

LINCOLN PLANNING BOARD

JANUARY 27, 2010

APPROVED

The regular meeting of the Planning Board was held on Wednesday, January 27, 2010, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Olean called the meeting to order at 7:00 p.m. The following members were present: Gerald Olean, Timothy Griffin, Kenneth Bostic and Wilfred Ordonez. Also in attendance were Town Planner Albert Ranaldi, and Town Solicitor Anthony DeSisto. Russell Hervieux kept the minutes.

The following members were absent from this meeting: Michael Reilly, John Hunt and Greg Mercurio Jr.

Chairman Olean advised that four members were present; have quorum.

CONSENT AGENDA

Chairman Olean reminded members that the consent agenda has four zoning applications, one recorded decisions and staff reports. A consent agenda is normally voted on in total unless a member motions to remove an item.

Motion was made by member Bostic to accept the consent agenda as presented was seconded by member Griffin. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

- a. Stone Way Subdivision AP 23 Lot 91 Public Informational
Crescent Properties, Inc. Dexter Rock Road Meeting - 7:00 PM
Master Plan
Discussion/Approval**

Chairman Olean called the Public Informational Meeting to order at 7:05 pm. Roll call of the abutters list was read by the recording secretary. There was one response to the reading of the abutters list. Chairman Olean called for any other abutters in the audience whose name was not read to be recognized. No responses were given.

Mr. Ranaldi stated that this application is under the 2005 subdivision regulations. This application represents the subdivision of one lot into three residential lots with a new 248 foot long cul-de-sac road. This application was elevated from a minor subdivision to a major subdivision because of the roadway and waivers requested. This property is in a RA-40 zone. The applicant is requesting two waivers. Both waivers will apply to lot #2. The first waiver is for an interior angle greater than 200 degrees. The other waiver is for a lot greater

than the 2 ½ to 1 lot width to lot depth ratio. This application received a certificate of completeness on December 9, 2009 and the Board has until April 8, 2010 to make a decision at master plan level. The TRC reviewed this application and all utilities seem to be in order. Sanitary sewer will be gravity fed into Dexter Rock Road. A letter from Lincoln Water Commission and a permit from Narragansett Bay Commission will be required at preliminary plan stage. The plan shows on site storm water mitigation through structures on lot #1. The former Town Engineer and our interim Town Engineer have reviewed this system and appear to be satisfactory. The TRC is requesting that the wetland boundary on lot #2 be delineated with granite bounds. The TRC also recommends that granite bounds be placed to delineate the edge of the easement for the detention basin. Traffic along Dexter Rock Road was reviewed by the former Town Engineer and is acceptable for the number of house lots being proposed. The TRC recommends master plan approval with conditions barring any unforeseen issues brought out at the public informational meeting. The conditions are the applicant must outline the drainage easement and wetland edge on lot #2 with granite bounds.

Daniel Campbell, professional engineer representing the applicant, made a presentation to the Board. Mr. Campbell stated this application now represents the subdivision of one lot into three down from the original design. The applicant agrees with the two conditions of the TRC. Mr. Campbell wanted to clarify that the

wetland perimeter will be delineated on lot #2 not the actual wetland edge. Mr. Ranaldi agreed.

Chairman Olean opened up the meeting to comments from the public.

There were no members of the public who came to speak. Motion was made by member Bostic to close the public informational meeting was seconded by member Griffin at 7:10 pm. Motion was approved by all members present.

Motion was made by member Griffin to accept the TRC recommendations for master plan approval with conditions was seconded by member Ordonez. Motion was approved by all members present.

b. Lincoln Garden Estates AP 43 Lots 20 & 21 Reduce Guarantee Bond

Steven, Stuart and Cara Popovich Old Louisquisset Pike

Mr. Ranaldi stated that this application was for a subdivision of two lots into four single family residential lots. The Board had assessed a guarantee bond of \$22,000 for public right of way, granite bounds, installation of street trees and loam and seed edges of right of way. The applicant has been diligently working to install the public infrastructure and has done approximately 90% of the work. Two outstanding elements still exist. Mortar needs to be applied between the granite curbs and install street trees. The Town Engineering

Assistant and the Planner reviewed the site and found everything in good working order less the two outstanding elements. The TRC recommends that the guarantee bond be reduced to \$3,000 which will cover the remaining work to be done. This would return \$19,000 to the developer which the Town is holding currently. The contractor will finish up the remaining work in the spring.

Motion was made by member Bostic to accept the TRC recommendation to reduce the guarantee bond to \$3,000 was seconded by member Griffin. Motion was approved by all members present.

**c. Angell Road Subdivision AP 44 Lots 3, 12 and 32 Release
Angell Road Development Co. Angell Road, Whipple
Road Remediation Bond**

Mr. Ranaldi stated that this is an interesting application. This project is a large project in the Town which represents 15 single family lots. Normally the Board would ask for a remediation bond in the form of cash which would be rolled into the guarantee bond. Because this project is large the guarantee bond was set at \$112,000 which the applicant put up a surety bond for. The Town and the applicant virtually forgot about the \$18,000 cash being held by the Town for the remediation bond. The applicant's controller picked up on the fact that the Town was still holding this bond. The TRC reviewed this request and realized that this bond should have been released when

the surety bond was collected. Therefore, the TRC recommends that the \$18,000 remediation bond be returned to the applicant.

Motion was made by member Ordonez to accept the TRC recommendation to release the \$18,000 remediation bond was seconded by member Bostic. Motion was approved by all members present.

COMPREHENSIVE PERMIT

a. The Residences at Stone Creek AP 20 Lot 15 Public Hearing – 7:15 PM

**Break Hill Development, Inc. Breakneck Hill Rd. Preliminary Plan
Discussion/Approval**

Chairman Olean called the Public Hearing to order at 7:16 pm. Roll call of the abutters list was read by the recording secretary. There was one response to the reading of the abutters list. Chairman Olean called for any other abutters in the audience whose name was not read to be recognized. No responses were given.

Mr. Ranaldi stated that this application is under the 2005 subdivision regulations and the Lincoln Affordable Housing Production Plan. This application received a certificate of completeness on May 20, 2009 and the Board has received an extension of the time until March 31, 2010. This application represents a 61 units age 55 and over

residential complex. The applicant is proposing 16 affordable units. This will be a private condominium complex with 12 duplex units, 7 triplex units and 4 four unit buildings. The project will include associated driveways and underground utilities. The project will include a total of 30 visitor parking spaces. The project will be served by public sewer and water. This application has received several waivers at the master plan level mostly to do with setbacks and density waiver. The sewer on this project is proposed to be a low pressure force main that would run from this project to a gravity sewer line in Breakneck Hill Road. The key to this project is that the existing pump station at Butterfly Estates must be upgraded prior to any construction at this site. The developer has agreed to this stipulation. The Town's interim Engineer has reviewed the plans as well as the former Town Engineer. The plans are satisfactory to both engineers'. The applicant is before the Board for their second public hearing because of the modifications that were made to the plans especially the movement of the detention basin. Most of the concerns of the neighbor's at the last public hearing have been cleared up with these modifications.

John DiBona, attorney for the applicant, made a presentation to the Board. Mr. DiBona stated that this application received master plan approval in September of 2008. The project consisted of 70 units at that time. This past spring the applicant was notified by RIDEM that the wetlands on the property had expanded. This latest plan addresses RIDEM issues and allows for a total of 61 units of which 16

will be deemed affordable. The affordable units are integrated throughout the project and throughout each of the different style of buildings. The affordable units will be 1,200 square feet and some of the market rate units will also be 1,200 square feet. The applicant has either met or approvals are pending for all conditions placed at master plan stage. The issues at the master plan public hearings have been addressed namely traffic and the location of the detention basin. The traffic issue was handled by a traffic expert and stated that this project would not add a burden to Breakneck Hill Road. The detention basin has been moved to 200 feet away from the property line. The applicant has made the commitment to this Board that the Butterfly Estates pump station will be upgraded to the Town's specifications prior to construction on this project.

Nicholas Pampiano, professional engineer for the applicant, made a brief presentation to the Board. Mr. Pampiano stated he would like to update the Board in regards to utilities. Mr. Pampiano met with the Town Sewer Supervisor yesterday to go over the upgrades to the Butterfly pump station. The Town and the applicant have come to an agreement as to what needs to be done on this upgrade. The agreement includes the addition of a gas fired generator. The detention basin that was originally close to the westerly property line has been completely relocated away from that property line. There will be an underground retention system which will discharge into the relocated basin. There will be two detention basins and one underground collection system as part of the drainage for this

project. This system will not increase the amount of runoff from this property that exists today. RIDOT requested that a landscape architect review the plans to maintain the character along the roadway and that has been completed.

Chairman Olean opened up the meeting to comments from the public.

Ida McDermott had some concerns about traffic. Ms. McDermott thinks the current traffic situation is a big problem. Ms. McDermott lives on Breakneck Hill Road and already has a difficult time getting into and out of her property during rush hour traffic. This roadway is also listed as a scenic roadway and feels that this development would be inappropriate for this roadway. Mr. DiBona spoke on the traffic issue. Mr. DiBona stated that a traffic report was submitted at master plan which stated that this development would not cause any further issues on Breakneck Hill Road. Mr. DiBona also believes that the YMCA submitted a report which states basically the same. Mr. Pampiano addressed the scenic roadway question. The applicant will be required to restore the right of way to its original state as part of the RIDOT permit.

Michael Conway questioned if the traffic reports took into account this project and the YMCA project. Mr. DiBona replied that both projects had to include the other project's traffic in their report. The traffic studies include both projects as if they existed. Mr. Conway believes the wetland areas continuously expand and will continue to.

The Town Engineer has been out to his property along with State officials. Mr. Conway's property has a significant area under water and any large rains cause his basement to flood. The wetland area can not absorb any more runoff. Mr. Pampiano replied that as part of the applicant's application to RIDOT we have to prove there will be a zero net runoff coming off this site because of development. This means that there can not be an increase in the runoff rate as it exists today.

Karen Martin is an abutter to this project. Ms. Martin still believes that traffic is a significant problem despite the report. This stretch of roadway has a large incident of accidents. Ms. Martin believes that this project could make that worse. Ms. Martin attended the Zoning Board hearing for the recommendation on this project. Ms. Martin stated that the Zoning Board felt this project was a bad idea and she and her neighbors concur.

Kenneth R. Perreault believes that this area needs to be preserved as a historic area. Mr. Perreault has written an article to the Valley Breeze stating such. Mr. Perreault the Town has other areas suited for condominiums which this project would fit better into. Putting this project in this area will be anti-productive to the Town. This project should not be built here because it will destroy the natural character of this area. Condominiums don't fit in this area as this area should be kept as green space.

Erik Marzocchi lives on Dexter Rock Road. Mr. Marzocchi moved here about ten years ago based on the beauty of this area. Mr. Marzocchi agreed with the last speaker and believes the area is becoming over populated and is ruining the beauty of the area. This condominium project will just add to the destruction of the beauty of this area of Town. Mr. Marzocchi went on to say that lots recently subdivided on Great Road have also added to the destruction of the historical beauty of this area.

Town Solicitor Anthony DeSisto informed the Board and the public that the traffic report for this project is a public record and can be viewed at Town Hall during business hours.

Michael Conway requested to be heard again. Mr. Conway stated that he believes the traffic study was done over a year ago. There have been many other things done during that time period around the general area. Things like expanded time for Twin River casino, increased enrollment in CCRI and a groundbreaking for a new senior center are just a few. Traffic in that area is growing significantly and Mr. Conway is concerned the traffic report does not take that into account.

Motion was made by member Bostic to close the Public Hearing was seconded by member Griffin at 7:44 pm. Motion was approved by all members present. Chairman Olean questioned the applicant if the Fire Department has approved this latest plan. Mr. DiBona explained

that the Lime Rock Fire Department has signed off on this plan. This application will be continued to next month's agenda.

b. Almeida Multi-Family AP 5 Lot 26 Master Plan

Joseph Almeida, Jr. 1683-1685 Lonsdale Ave. Discussion/Approval

Mr. Ranaldi stated that this application is reviewed under the 2005 subdivision regulations, Town Comprehensive Plan, Town Affordable Housing Plan and Town Ordinance for filing a Comprehensive Permit.

This application received a certificate of completeness on September 15, 2009 and the Board has until January 27, 2010 to make a decision at master plan level. The project represents the development of one structure with six residential units which are to be rentals. Two of the six rental units are to be deeded as affordable by Rhode Island Housing standards. Each unit has a garage and an outdoor parking space for two per unit. There will also be three separate visitor parking spaces. The project will be serviced by public water and sewer and will be accessed by an existing easement of record on the side of the property to Lonsdale Avenue. The TRC reviewed this application and the traffic. This is an existing property on a well established road and will not cause any traffic issues. The applicant will need a Physical Alteration Permit from RIDOT for the increase in land use. The utilities have been reviewed by the Lincoln Water Commission and the Town Sewer Department. The applicant will need a sewer permit from Narragansett Bay Commission. The site drainage has been reviewed by the Town's interim engineer and it is acceptable at this time. All units will be the same size with the same

exteriors so integrating the affordable units will be very easy. A Public Informational meeting was held on November 18, 2009. A couple of neighbors spoke with concerns about the design. One neighbor asked for a six foot white vinyl privacy fence be installed along the property line. The applicant has agreed. The neighbor also requested that some white pines be planted. The applicant's engineer recommended another species of tree to be planted as the white pines tend to grow too large for this site. The TRC reviewed all this along with the plans and felt that this project fits the Town's need for affordable housing. The TRC recommends approval with conditions as stated in the TRC report. The access easement should be reviewed by the Town Solicitor before preliminary plan approval.

John Shekarchi, attorney for the applicant, made a brief presentation to the Board. Mr. Shekarchi stated that the applicant is happy to abide by the recommendations of the TRC. Mr. Shekarchi presented a copy of the record plat which shows the easement for access to this property. A copy of the easement will be presented to the Town Solicitor's office for their review. Chairman Olean stated that the condition of the easement is not part of the four conditions recommended by the TRC. The easement condition will be a fifth condition. Mr. Shekarchi stated he understood and accepts the additional condition.

Motion made by member Griffin to approve the master plan for Joseph Almeida for property located at Assessor's Plat 5 Lot 26 with

conditions. The Board has reviewed the document, presented by the TRC and Town Planner entitled “Proposed Findings” and adopts the document in its entirety. These findings were based on submitted plans and other documents, testimony of experts throughout the various Planning Board meetings on the application, and staff/Technical Review Committee (TRC) and Zoning Board recommendations and reports and are summarized as follows:

1. The proposed development is consistent with local needs as identified in the local plans for affordable housing and development and has satisfactorily addressed the issues where there may be inconsistencies.
2. The proposed development is in compliance with the standards and provisions of the municipality’s zoning ordinance and subdivision regulations, and the relief granted by the waivers requested does not outweigh the state and local need for low and moderate income housing.
3. All low and moderate income housing units proposed are integrated throughout the development; are compatible in size and architectural style to the market rate units within the project; and will be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units.
4. As shown at Master Plan, there will be no significant environmental impacts from the proposed development, but the Board will continue to review details of the application in order to support this finding at the latter stages of approval.
5. At Master Plan it appears that there will be no significant negative

impacts on the health and safety of current or future residents of the community but the Board will continue to review details of this application in order to support this finding at the latter stages of approval.

6. The Board defers the finding of whether the proposed development will have adequate and permanent physical access to a public street until preliminary plan review where it can review the easement documents referenced on the plans.

7. The proposed development will not result in the creation of individual lots.

Conditions of approval:

1. The applicant will be responsible for the operation and maintenance of the proposed storm water detention basins and underground structures.

2. The applicant present the easements referenced on the plan regarding access to the property for review by the Town Solicitor's office and Town staff to confirm ingress and egress as shown on the property as well as the ability to reach and maintain any drainage or sewer structures for the property during the preliminary plan review stage.

3. The applicant must provide the Town with the appropriate deed restrictions for the designated affordable units prior to final approval.

4. The applicant obtains a Narragansett Bay Commission approval for sewer flows as a condition of preliminary plan approval.

5. The applicant obtains a Physical Alteration Permit from the RIDOT

as a condition of preliminary plan approval.

The motion was seconded by member Ordonez. Motion was approved by all members present.

SECRETARY'S REPORT

The Board was given one set of minutes to review. They are for December 16, 2009. The Town Planner Al Ranaldi stated that he has reviewed these minutes.

Motion made by member Griffin to dispense with the reading of the December 16, 2009 minutes and accept them as presented was seconded by member Bostic. Motion was approved by all members present.

Motion was made by member Griffin to adjourn was seconded by member Bostic at 8:16 pm. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux